

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DISCOVERY PATENT HOLDINGS, LLC,

Plaintiff,

V.

AMAZON.COM, INC.,

Defendant.

C.A. No. \_\_\_\_\_

## DEMAND FOR JURY TRIAL

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DISCOVERY PATENT HOLDINGS, LLC, a Delaware limited liability company, by and through its attorneys, states as follows:

## PARTIES

1. Plaintiff DISCOVERY PATENT HOLDINGS, LLC (“Discovery”) is a limited liability company organized under the laws of Delaware having a principal place of business in Silver Spring, Maryland.

2. On information and belief, Defendant AMAZON.COM, INC. (“Amazon”) is a corporation organized under the laws of Delaware having a principal place of business in Seattle, Washington.

## JURISDICTION AND VENUE

3. This is an action alleging patent infringement arising under Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338.

4. This Court has personal jurisdiction over Amazon because Amazon is incorporated in this District, and, on information and belief, Amazon has transacted business in

this District, contracted to supply goods or services in this District directly or through its agents, purposely availed itself of the privileges and benefits of the laws of the State of Delaware, and committed acts of patent infringement during the course of its business in this District.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

#### **THE PATENTS IN SUIT**

6. On November 16, 1999, United States Patent No. 5,986,690 (“the ’690 patent”) entitled “Electronic Book Selection and Delivery System” was duly and legally issued to Discovery Communications, Inc. by the United States Patent and Trademark Office. The ’690 patent was assigned to Discovery on July 12, 2010. Discovery is the owner of the entire right, title, and interest in the and to the ’690 patent. A true and correct copy of the ’690 patent is attached as Exhibit A to this Complaint.

7. On November 20, 2007, United States Patent No. 7,298,851 (“the ’851 patent”) entitled “Electronic Book Security and Copyright Protection System” was duly and legally issued to Discovery Communications, Inc. by the United States Patent and Trademark Office. The ’851 patent was assigned to Discovery on July 12, 2010. Discovery is the owner of the entire right, title, and interest in the and to the ’851 patent. A true and correct copy of the ’851 patent is attached as Exhibit B to this Complaint.

#### **INFRINGEMENT OF THE PATENTS IN SUIT**

8. Discovery re-alleges and incorporates herein by reference the allegations contained in paragraphs 1-7.

9. Amazon has infringed and continues to infringe; has induced and continues to induce others to infringe; and/or has committed and continues to commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or more claims of the ’690 patent.

10. Amazon has infringed and continues to infringe; has induced and continues to induce others to infringe; and/or has committed and continues to commit acts of contributory

infringement, literally or under the doctrine of equivalents, of one or more claims of the '851 patent.

11. Amazon's infringing activities in the United States and this District include the manufacture, use, importation, sale, and/or offer for sale of products, including but not limited to the Kindle, Kindle 2, and Kindle DX, and the inducement of others to do the same.

12. Amazon's infringing activities in the United States and this District also include the operation of the Amazon.com website and the provision of services related to the Kindle, Kindle 2, Kindle DX, and Kindle software, including but not limited to the sale of electronic books.

13. Amazon's infringing activities violate 35 U.S.C. § 271.

14. Amazon's infringement of the '690 patent has been and is willful.

15. Amazon's infringement of the '851 patent has been and is willful.

16. Amazon's direct, induced, and/or contributory infringement has damaged Discovery.

#### **PRAYER FOR RELIEF**

WHEREFORE, Discovery respectfully prays for judgment and relief as follows:

1. A judgment that Amazon has infringed, induced infringement of, and/or contributorily infringed, literally or under the doctrine of equivalents, the '690 patent in violation of 35 U.S.C. § 271.

2. A judgment that Amazon has infringed, induced infringement of, and/or contributorily infringed, literally or under the doctrine of equivalents, the '851 patent in violation of 35 U.S.C. § 271.

3. An award of damages adequate to compensate Discovery for Amazon's infringement of the '690 patent;

4. An award of damages adequate to compensate Discovery for Amazon's infringement of the '851 patent;

5. In lieu of injunctive relief barring further infringement, a continuing royalty sufficient to compensate Discovery for any future infringement of the '690 patent;
6. In lieu of injunctive relief barring further infringement, a continuing royalty sufficient to compensate Discovery for any future infringement of the '851 patent;
7. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285;
8. An award of treble damages pursuant to 35 U.S.C. § 284;
9. An award of Discovery's costs, expenses, and attorneys' fees incurred in bringing and prosecuting this action pursuant to 35 U.S.C. § 285;
10. An award of pre-judgment interest; and
11. Any other relief to which this Court deems Discovery is entitled in law or in equity.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all issues so triable under the law as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: July 14, 2010

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